

No. 14,500

IN THE

**United States Court of Appeals
For the Ninth Circuit**

In the Matter of the Application of
L. B. & W. 4217; and the Applica-
tion of JONES, WILSON AND ERVIN,
d/b/a "THE CLUB" for Beverage
Dispensary License.

**On Appeal from the District Court for the
District of Alaska, Third Division.**

REPLY BRIEF FOR APPELLANTS.

E. L. ARNELL,
202 Turnagain Arms, Anchorage, Alaska,
Attorney for Appellants.

FILED

JUN -3 1955

PAUL P. O'BRIEN, CLERK

No. 14,500

IN THE

**United States Court of Appeals
For the Ninth Circuit**

In the Matter of the Application of
L. B. & W. 4217; and the Applica-
tion of JONES, WILSON AND ERVIN,
d/b/a "THE CLUB" for Beverage
Dispensary License.

**On Appeal from the District Court for the
District of Alaska, Third Division.**

REPLY BRIEF FOR APPELLANTS.

The appellants by way of reply redirect the attention of Court and counsel to the wording of the controlling statute itself, Chapter 116, S.L.A., 1953. The appellants submit that argument has not been directed sufficiently to its precise wording.

1. **THE APPELLANTS WERE ENTITLED TO REISSUE OF THEIR LICENSE UNDER AN EXCEPTION TO CHAPTER 116, S.L.A., 1953.**

Chapter 116, S.L.A., 1953, contains the following exceptions:

“* * * provided, however, that a license may be reissued for the sale of intoxicating liquor in any building in which such sale was authorized by law at a time subsequent to March 23, 1949.
* * *”

This exception is clear and unambiguous. The appellants in every way come within its terms. Upon close examination, we see the exception contains the term “reissue” rather than the term “renew” which was loosely used by the parties as well as by the District Court. The position urged by the appellee and adopted by the District Court is that if there is no continuity there may be no “reissue” of a license or “renewal” as the appellees choose to call it. The term “reissue” does not imply continuity of licenses but rather indicates that a license ceased to be valid and it became necessary to “reissue” it.

There is no question but that all appellants were “authorized by law at a time subsequent to March 23, 1949”. They operated “The Club” until it was destroyed by fire in November of 1953. The validity of the licenses under which they operated has never been questioned.

Dated, Anchorage, Alaska,
May 20, 1955.

Respectfully submitted,

E. L. ARNELL,

Attorney for Appellants.